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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 JAMES LAUTERMILCH,

17 Defendant.  
18  
19  
20

No. 05-00626 JW

STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME

SAN JOSE VENUE

21 On September 29, 2005, the parties in this case appeared before the Court for an arraignment.  
22 After the defendant was arraigned on the indictment and entered a plea of not guilty, Assistant  
23 United States Attorney Susan Knight explained to the Court that the government needed to  
24 provide discovery to Assistant Federal Public Defender Nick Humy. In addition, AFPD Humy  
25 stated that he will be on medical leave during the week of October 3, 2005. Therefore, the  
26 parties requested an exclusion of time under the Speedy Trial Act from September 29, 2005 to  
27 October 24, 2005. The parties agree and stipulate that an exclusion of time is appropriate based  
28 on the defendant's need for effective preparation of counsel and continuity of counsel.

1 SO STIPULATED:

KEVIN V. RYAN  
United States Attorney

2  
3 DATED: \_\_\_\_\_

/s/  
SUSAN KNIGHT  
Assistant United States Attorney

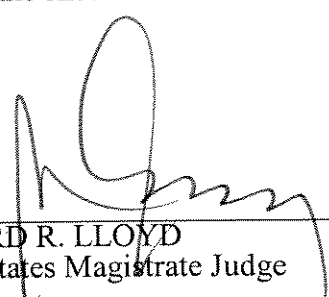
4  
5 DATED: \_\_\_\_\_

/s/  
NICK HUMY  
Assistant Federal Public Defender

6  
7  
8 Accordingly, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act  
9 from September 29, 2005 to October 24, 2005. The Court finds, based on the aforementioned  
10 reasons, that the ends of justice served by granting the requested continuance outweigh the best  
11 interest of the public and the defendant in a speedy trial. The failure to grant the requested  
12 continuance would deny defense counsel reasonable time necessary for effective preparation,  
13 taking into account the exercise of due diligence, and would result in a miscarriage of justice.  
14 The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§  
15 3161(h)(8)(A) and (B)(iv).

16 SO ORDERED.

17 DATED: 10/6/05

  
HOWARD R. LLOYD  
United States Magistrate Judge

18  
19  
20 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
21 "conformed" signature (/S/) within this efiled document.

22 DATED: \_\_\_\_\_

/s/  
SUSAN KNIGHT  
Assistant United States Attorney